

**THE HONORABLE BRIAN D. LYNCH  
CHAPTER 13  
HEARING DATE: June 5, 2018  
HEARING TIME: 1:00 P.M.  
LOCATION: Vancouver, Washington  
RESPONSE DATE: May 29, 2018**

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

Case No.: 17-43502-BDL

## JUDITH ANN PITRE

NOTICE OF AND MOTION FOR DISMISSAL  
PURSUANT TO 11 U.S.C. § 1307(c)

Debtor.

## **NOTICE**

**YOU ARE HEREBY NOTIFIED** that a hearing on Trustee's Motion to Dismiss will be heard before the Honorable Brian D. Lynch at **1:00 p.m. on June 5, 2018**, at the Vancouver Federal Building, 500 West 12th, 2nd Floor, Vancouver, Washington, 98660.

**IF YOU OPPOSE** this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN THE RESPONSE DATE, which is **May 29, 2018**. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

Michael G. Malaier  
Chapter 13 Standing Trustee  
1551 Broadway, Suite 600  
Tacoma, WA 98402  
(253) 572-6600

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**MOTION**

2       **COMES NOW**, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

3       1. The debtor filed this case on **September 19, 2017**. The case was confirmed by order of the  
4       Court on **March 10, 2018**.

5       2. Pursuant to the confirmed plan, the debtor is required to make plan payments of \$2,175.00  
6       through January and \$3,550.00 per month starting February 2018 and continue thereafter.  
7       Debtor is presently delinquent in plan payments in the amount of \$7,100.00, supported by the  
8       Declaration filed herewith.

9       3. The debtor has otherwise defaulted under the terms of the Plan as follows: § 1307(c)(1)  
10       unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to  
11       remit plan payments and due to the delinquency the case is unable to timely complete.

13       **WHEREFORE** the Trustee prays that this case be dismissed and closed.

14       **DATED** this 2nd day of May, 2018.

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18       Mathew S. LaCroix, WSBA #41847 for  
19       Michael G. Malaier, Chapter 13 Trustee